

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA
PLAINTIFF,**

V.

**EDWIN FONSECA-BERMÚDEZ,
DEFENDANT,**

CRIM. NO. 99-0254 (DRD)

MOTION IN REQUEST OF ORDER

TO THE HONORABLE COURT:

Comes now the defendant of caption through court-appointed counsel and respectfully states and prays;

1. Defendant was sentenced to a term of imprisonment of 120 months for a conspiracy to distribute controlled substances following a plea of guilty. As per the terms of the plea agreement which was entered into in open court during the third day of jury trial, defendant was to serve the above term of imprisonment **concurrently** with a state sentence stemming from the facts alleged in the instant conspiracy. The Court's Sentence, as well as a subsequent marginal note, is clear and explicit as to the concurrent nature of the sentence. Same was to be served concurrently with the state sentence, which concurrency was to be counted from the date of Mr. Fonseca's arrest for the instant offense.

2. The undersigned attorney has been apprised by defendant's relatives that the Bureau of Prisons to this date refuses to grant defendant credit for the time of imprisonment dating from the time of his arrest for the instant offense. Several months ago, the undersigned received copy of an Order by the Court by way of a marginal note,

in which the BOP was informed that the concurrency in question was the result of a plea process between the parties. Apparently, the state of things remains the same, and defendant continues to litigate the matter administratively at the BOP.

3. In light of the foregoing, defendant hereby requests from the Court to: 1.) provide an Order directed to the BOP apprising said agency as to the terms of defendant's sentence, particularly its concurrent nature with the related state case; 2.) order a transcript of the sentencing hearing in which the terms were discussed and made part of the plea agreement. Ordinarily, the plea agreement itself would have sufficed, but since there was no actual **written** plea agreement since same was agreed to in open court, it appears that the sentencing transcript may be necessary as a means to prove its contents to the BOP; and 3.) Order the Clerk of the Court to issue a CJA voucher by which the undersigned may be compensated for the work he has performed in relation to this incident.

WHEREFORE, the defendant of caption prays the Court to provide as herein requested.

RESPECTFULLY SUBMITTED,

In San Juan, PR, this 2 day of December 2004.

CERTIFICATE, I hereby certify that on this date, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following: AUSA Sonia Torres.

/s/Enrique Vélez Rodríguez
ENRIQUE VÉLEZ RODRÍGUEZ
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